

**Examiner's Comment**

- The BPAI Decision of 7/30/2010 reverses the examiner.
- The Non-Final Rejection mailed 12/16/2010 is withdrawn.
- Claims 1-16 are allowed.

**STATEMENT OF REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of the independent claims 1, 8, and 16 is that the prior art of record taken individually or in combination does not teach or fairly suggest a method, apparatus, or system for providing a threshold value for a traffic reservation parameter, said threshold value lying between a minimum value and a maximum value of the traffic reservation parameter, metering an actual value of the traffic reservation parameter, and if the actual value of the traffic reservation parameter exceeds the threshold value of the traffic reservation parameter, marking the packets only based on the actual value of the traffic reservation parameter, and if the actual value of the traffic reservation parameter is below the threshold value of the traffic reservation parameter, marking the packets based on a pre-assigned priority of the packet.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY SOL whose telephone number is (571)272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. S./

Examiner, Art Unit 2465

2/8/2011

/Jayanti K. Patel/

Application/Control Number: 10/026,690

Page 4

Art Unit: 2465

Supervisory Patent Examiner, Art Unit 2465